

Secure Virginia Panel
Summary of Recommendations

September 5, 2002

Office of the Governor

GOVERNMENT OPERATIONS AND FUNDING

There exists significant bifurcation of responsibilities internal to the Executive Branch as well as with its relation the Judicial and Legislative Branches. The Panel recognizes the need for “separation of powers” but notes the close physical proximity of the core facilities of the three branches of government and shared resources that support each. Decisions ranging from Continuity of Government to security require closer coordination between the three branches. Current inconsistencies between the three branches result in a vulnerability to state government as a whole. The following recommendations are provided:

1. STRENGTHEN CONTINUITY OF GOVERNMENT

THE GOVERNOR IN COORDINATION WITH THE LEADERSHIP OF THE LEGISLATIVE AND JUDICIAL BRANCHES SHOULD WORK TO FORM A SPECIAL WORKING GROUP

- a) Prepare a Constitutional Amendment for presentation to the General Assembly this year expanding the current line of succession for the Office of the Governor. A line of succession that provides not less than five alternates for leadership positions is recommended.
- b) Ensure development of a protocol for the evacuation of leaders of each of the three branches of government to jointly agreed upon alternate sites should the Capitol Complex become un-inhabitable. The Department of State Police has been designated as the lead Executive Branch agency responsible for preparing annually specific plans for actual movement of leaders.
- c) Develop a joint agreement providing that those in the line of succession will not physically travel together.
- d) Develop a joint agreement that at least one individual in the line of succession will be physically absent from joint appearances (i.e.: State of the Commonwealth).

2. IMPROVE GOVERNMENT FACILITY SECURITY

THE GOVERNOR SHOULD COORDINATE WITH THE LEADERSHIP OF THE LEGISLATIVE AND JUDICIAL BRANCHES CHAIRMEN TO FORM A SPECIAL WORKING GROUP

- a) Develop and agree upon a joint formal evaluation process to assess physical security at all buildings within the seat of government (within downtown Richmond) and to develop a jointly agreed upon policy and standard for implementing security that is consistent between the three branches. The assessment process should be jointly conducted by the Virginia State Police and Virginia Capitol Police with guidance provided by the working group and should be completed by December 15, 2002.

- b) Jointly develop a protocol to guide the decision making process concerning the closure of Capitol Square and adjacent buildings during periods of heightened alerts and provides for a joint decision process between the three branches for issues related to closure.
- c) Develop individual evacuation plans for all state owned or leased space near the seat of government (within downtown Richmond) by January 31, 2003. In addition, a training program reference these evacuation plans be developed and delivered to all state employees in the seat of government by March 31, 2003.
- d) To identify a minimum of two alternate sites where the three branches can convene and operate in the event the Capitol Complex is uninhabitable.
- e) To work with the City of Richmond in developing an action plan concerning the utilization of Governor Street behind the Mansion prior to the upcoming session of the Virginia General Assembly
- f) Evaluate the feasibility of creating of an off-site central mail processing facility to serve ALL of the Capitol Complex and that would provide for appropriate and prompt screening of mail to the three branches. This analysis should include the feasibility of creating a public-private partnership where such a facility could serve local, state and federal agencies and interested corporate and private businesses located around the seat of government.

The above actions are subject to concurrence of the leadership of the Legislative and Judicial Branches through the efforts of the working groups.

Those that follow address Executive Branch actions that the Governor has approved for implementation.

3. IMPROVE INFORMATION MANAGEMENT CAPABILITIES

- a) The Secretary of Technology and Secretary of Administration in consultation with the Assistant to the Governor for Commonwealth Preparedness will develop protocols and capabilities to transmit mass e-mail messages to all state employees concerning threats or actual emergencies or disasters. Procedures should include provisions for those employees without direct e-mail access.
- b) The Office of Commonwealth Preparedness has been designated as the single contact and coordination point for the federal government for the issuance of Security Clearances to state and local officials. The designation includes a requirement that all state agencies, including institutions of higher education, provide a listing of state employees currently possessing federal security clearances. The Virginia National Guard shall be exempted.

4. HARNESS EDUCATION RESOURCES IN PREPAREDNESS

- a) The Secretary of Education request through the State Council of Higher Education a survey and cataloguing all research projects, resources and facilities currently underway or available at Virginia's colleges and universities relevant to "homeland security". This survey will assist in partnering academic efforts with local and state efforts to improve the efforts of each and should be completed by February 1, 2002.
- b) The Secretary of Education working with the State Council of Higher Education and in consultation with the Assistant to the Governor for Commonwealth Preparedness study the feasibility of creating a "consortium" for research and development activities related to homeland security among all of Virginia's colleges and universities. This study will evaluate the benefit of close coordination in terms of competition for federal funding support based on collaborative opportunities.

TECHNOLOGY

A significant focus is expected at the federal level in FY '03 on technology issues and Critical Infrastructure Protection (CIP). We expect a more intense focus at the state and local level on these areas in the federal FY '04 budget cycle. We suggest greater focus in these areas for Virginia is needed immediately. This is based on the wide range of physical and cyber threats facing infrastructure in the Commonwealth in large part due to its direct supporting role for many critical national security components. It should be noted that nearly 90 % of the nations Critical Infrastructure is owned and operated by the private sector. This more immediate focus will also better position the Commonwealth in future years from an economic competitiveness standpoint. The following recommendations are provided:

5. IMPROVE CRITICAL INFRASTRUCTURE PROTECTION AND TECHNOLOGY UTILIZATION

- a) The Secretary of Technology to develop a seamless framework for cataloguing and private Critical Infrastructures in the state using a standard Geographic Information System. This framework can be built on on-going efforts within the Virginia Geographic Information Network and should ensure compatibility among existing and future public and private GIS databases. The system framework should provide for the highest degrees of protection of the data while at the same time allowing ease of access to data among contributing entities. Concurrent the Secretary of Technology should be directed to work with the Joint Commission on Technology Services of the Virginia General Assembly to ensure relevant statutes are modified during the upcoming session to address private and public sector FOIA and liability concerns that impede the full sharing of relevant Critical Infrastructure Protection (CIP) data within the Commonwealth. Statute reviews and suggested revisions are to be completed by December 15, 2002.
- b) The Secretary of Technology and Secretary of Public Safety will co-chair a work effort in consultation with the Assistant to the Governor for Commonwealth Preparedness to define a structure for the long term management of Critical Infrastructure Protection activities in the Commonwealth, to include strategies for interstate coordination. The report of the work effort will be presented to the Governor for action by December 31, 2002.
- c) The Secretary of Technology and Secretary of Public Safety will co-chair a work effort to implement a Commonwealth Emergency Communications for Command and Control System. This system will harness existing technologies and networks to provide a strategic decision coordination tool for local, state and private decision makers with critical responsibilities. The task force should undertake its analysis of current proposals to create a statewide radio system developed in advance of the September 11th attacks and assess developments in these areas that may benefit this effort. The task force is to present its findings to the Governor by December 15, 2002.

INDUSTRY AND COMMERCE

The private sector continues to formulate strategies to improve its readiness. Major repercussions of the September 11th attacks continue in the area of liability and casualty coverage by insurers due to instability in the reinsurance market. This has resulted in significantly higher premiums for businesses considered high risk due to their work with, or proximity to, public and private activities considered targets. In some cases, coverage is simply not available. There continues to be major national efforts, though not focused at the federal level, to integrate private business contingency planning and public emergency preparedness activities to provide for more effective response and recovery activities. It is expected that the closer integration of these activities will ultimately be more focused and will be promoted through rate scales in the insurance market. Activities are focused on addressing short-term availability issues and the longer-term actions that will enhance Virginia's overall economic competitiveness in terms of integrated public and private risk management. The following recommendations are provided:

6. DIRECT THE SECRETARY OF COMMERCE AND TRADE AND SECRETARY OF PUBLIC SAFETY TO JOINTLY CHAIR A WORK EFFORT IN CONSULTATION WITH THE ASSISTANT TO THE GOVERNOR FOR COMMONWEALTH PREPAREDNESS TO ADDRESS CRITICAL BUSINESS ISSUES INCLUDING:

- a) Development of a standard planning template for use by small business especially in preparing for emergencies and disasters, including terrorism. The template should be specific to procedures used in the Commonwealth for managing events of this type.
- b) Cooperatively working with the State Corporation Commission to develop issues for discussion and schedule a meeting with Chief Executive Officers of the major business and casualty insurance providers in Virginia. The purpose of this meeting is development of risk management strategies to address the significant financial impacts caused by changes in the insurance market as a result of the September 11th attacks. On-going efforts with the Congressional Delegation should be continued.
- c) Establish and implement a clear protocol with the Institute of Business and Home Safety (consortium of insurance providers) to facilitate the rapid movement of adjusters into a disaster impact area immediately following an event in order to expedite financial recovery.

FIRST RESPONDERS

The President has proposed major spending in the federal FY '03 budget to enhance the ability of states and communities to respond to terrorist caused events. There have been funds included in the federal FY '02 budget and supplemental for this purpose but the major infusion is yet to come. The expectations are that Virginia could receive upwards of 80 – 100 million dollars in the FY '03 budget for planning, training and equipment acquisition. Some of these dollars are expected to be new funding while the most significant portion are expected to be existing program dollars reflected in the category of “homeland security”. Irrespective confusion remains for local and state organizations regarding effectively applying these dollars within the context of individual organizations. It will be critical that planning, training and equipment acquisitions are coordinated and compatible across jurisdictional boundaries in order to achieve an enhanced state level capability.

Also, federal efforts to improve information flow have been slowed by a variety of factors. Recognizing the critical need to move operational information more effectively “vertically” between the three levels of government as well as “horizontally” between agencies and the private sector at each of the three levels the Panel has determined that the state must adopt a more pro-active focus. Efforts must not supplant federal efforts but rather they can serve as a catalyst to enhance these efforts. The following recommendations are provided:

7. ENHANCE PUBLIC-PRIVATE INFORMATION FUSION

- a) The Departments of State Police and Emergency Management to prepare a plan to provide for the physical integration of the Virginia Criminal Intelligence Center and Virginia Emergency Operations Center to create a “central information fusion center” concurrent with the construction of the new State Police Headquarters and Department of Emergency Management Emergency Operations Center. This integration should provide for necessary separation of core functions of both but achieve information integration between consequence and law enforcement functions as it relates to “homeland security” intelligence sharing. This fusion center should be staffed by a multi-disciplinary team of professionals from law enforcement, health and medical, emergency management, fire and Emergency Medical Services all with attendant federal security and law enforcement certifications to provide for effective information sharing. The plan should include provisions for accomplishing this integration “virtually” until construction activities proceed. This plan should be presented to the Governor for approval by December 1, 2002.
- b) Private sector participation in the fusion center activity must be achieved. The attendant liability issues will be forwarded for study by the Attorney General and any needed legislative changes submitted to the Virginia General Assembly for consideration during the upcoming session.

8. STRENGTHEN INCIDENT MANAGEMENT CAPABILITIES

- a) The state will proceed with the development and adoption of a standardized but state specific threat warning system that compliments the existing federal system. This system will provide detailed guidelines for state agencies and local governments to follow based on specific threat information and should be accessible by key private sector elements for their compatible actions. The Secretary of Public Safety working in consultation with the Assistant to the Governor for Commonwealth Preparedness will oversee the efforts of the Virginia Departments of State Police and Emergency Management to develop an integrated system for the respective law enforcement and consequence management communities. This effort is targeted to be completed by January 31, 2003.
- b) The Secretary of Public Safety will chair a work effort to assess and select a standardized template and relevant training for tactical and strategic incident management for adoption as a state standard. The task force will present a system to the Governor by January 15, 2003, for his approval and mandated implementation statewide.
- c) The Secretary of Public Safety will establish a multi-agency and cross Secretariat working group with primary training and certification responsibilities related to first responders to develop a curriculum of courses for all first responders based on their roles and discipline responsibilities. This curriculum with its component courses will be developed and implemented as part of certification programs by all agencies by December 31, 2002.

HEALTH AND MEDICAL

Significant progress is being made to outline health and medical related enhancements within the Commonwealth. This particular area has benefited from the infusion of federal bio-terrorism related dollars both prior and subsequent to the September 11th attacks and Anthrax exposures. Undoubtedly it remains the most complex for technical, policy and organizational reasons. Recommendations continue to be informed in this area from a wide range of stakeholder groups as well as practical experiences associated with the Commonwealth's involvement in the aforementioned events. The following recommendations are provided:

9. IMPROVE HEALTH AND MEDICAL COORDINATION WITH THE MILITARY

- a) The Secretary of Health and Human Resources will ensure maximum coordination with the U.S. Military on all aspects of health and medical preparedness including planning, training and exercising as well as development of mutual aid agreements. The initial step will be a closer level of coordination with installations and commands located within Virginia and to this end the Secretary working in concert with the Assistant to the Governor for Commonwealth Preparedness will work through the Virginia Military Advisory Council to begin this effort.

10. IMPROVE DELIVERY OF HEALTH AND MEDICAL SERVICES TO DISASTER VICTIMS

- a. The Secretary of Health and Human Resources will assess the capability to provide critical mental health services to affected populations of an emergency or disaster, including terrorist attacks, and develop a long-term plan for improving capabilities. Actions will concentrate on identifying federal funding opportunities to support and sustain the needed level of capability, including the possible creation of a Disaster Mental Health Coordinator position. This assessment and recommendations should be provided to the Governor by January 31, 2003.
- b. The Governor will seek from upcoming session of the Virginia General Assembly needed statutory changes to facilitate the provision of necessary medications by unlicensed personnel in the event of an emergency or disaster caused by terrorist acts. This proposal should include sufficient checks and balances including action by the Commissioner of Health and Board of Pharmacy in the decision making process.

TRANSPORTATION

The nations transportation infrastructure continues to be the focus of federal efforts. The primary focus continues to be on aviation sector activities. The presence of key military facilities within the Commonwealth and their reliance on land and maritime transportation assets increases Virginia's vulnerability and potential for attack. The following recommendations are provided:

11. SECURE CRITICAL TRANSPORTATION ASSETS

- a) The Secretary of Public Safety in consultation with the Secretary of Transportation will oversee efforts of the Virginia National Guard in conjunction with the Virginia State Police, to develop preplanned actions to safeguard critical elements of the Commonwealth's Transportation Infrastructure. The Governor has designated the Secretary of Transportation as the responsible agent for identifying those deemed critical. These plans are to be established by February 1, 2003.
- b) The Secretary of Natural Resources in consultation with the Secretary of Public Safety and Secretary of Transportation will oversee efforts of the Virginia Marine Resources Commission to work with the United States Coast Guard, the United States Navy, VDOT, the Virginia Port Authority and local law enforcement, in developing preplanned actions to enforce the existing maritime exclusion zones around transportation infrastructure in the Commonwealth. These pre-planned actions are to be developed by February 1, 2003.
- c) Guidance will be provided to all state agencies that command and control facilities being constructed or modified for state use within the Commonwealth include as a fundamental concept, combined use by relevant state public safety and transportation agencies as well as local public safety agencies.

UTILITIES

Protecting the nations critical infrastructure, especially the utility sectors, remains critically important. Utility activities are heavily regulated by state and federal agencies both in terms of statutory requirements as well as the existing “cultural” philosophies. The sharing of information between public and private sector is impacted by citizen access to information maintained by government as well as business competition factors within the private sector. There are significant interdependencies between government and the private sector relative to utilities issues. It remains critical that processes for sharing information be achieved that recognizes the key values of the role of government and the role of the private sector to their respective constituencies. There are federal efforts in this regard but they are moving slowly. The best opportunity for improving public-private information sharing, such as with utility issues, rests at the state and local levels. Better sharing of information can facilitate stronger prevention and preparedness with a wide range of collateral economic benefits. The following recommendations are provided:

12. INCREASE PUBLIC-PRIVATE INFORMATION SHARING AND COLLABORATION

- a) The Secretary of Commerce and Trade in consultation with the Assistant to the Governor for Commonwealth Preparedness and State Corporation Commission will develop a proposal to create a government/utility industry consortium/council to facilitate an ongoing line of communication and intelligence sharing.
- b) The Department of Emergency Management and Department of State Police will enhance information/intelligence sharing with the utility industry and to ensure that law enforcement and emergency management plans address critical utility infrastructure.
- c) Proposals for legislative guarantees of confidentiality and liability protection for shared information and intelligence and for critical infrastructure plans shared by the private sector with state/local government authorities will be developed and submitted to the Virginia General Assembly for consideration.